

**Napa River/Napa Creek  
Flood Protection Project Hearing Transcript**

**March 18, 2004  
1195 Third Street, Room 305  
Napa, California**

**MICHELLE STEVENS, Department of Water Resources (DWR)**

Good Morning Ladies and Gentlemen; welcome to the hearing on the Department of Water Resources decision to award Napa County Flood Control and Water Conservation District funding to proceed with its application under the Flood Protection Corridor Program for the Napa River/Napa Creek Flood Protection Project. The purpose of today's hearing is to receive public comments concerning the intention of DWR to award \$500,000 to the District to undertake this project. My name is Michelle Stevens; I represent DWR's Division of Flood Management in Sacramento. I am responsible for conducting this hearing and represent the State of California. I will describe the nature, origin and authority of this program and why the review panel recommended this particular project program for an award.

The agenda for the meeting will then include, Daisy Lee, Napa County Flood Control and Water Conservation District, discussing the project specifics of the portion of the Napa River/Napa Creek Flood Protection Project proposed for funding by the Flood Protection Corridor Program. Finally, we will open this meeting to the audience to state their questions and concerns. We are particularly interested in information that might bear on whether we should proceed to execute a funding agreement for this project. Which is the same as final approval or if there are concerns that can be mitigated. What would be appropriate conditions of the funding agreement to satisfy the concerns? This hearing is being recorded by the project sponsor to record your concerns.

Let me please briefly cover some ground rules. Please make sure you have signed this sheet. If you want to be informed of future developments please provide your mailing address and/or email address. Protocols for today's hearing are simple. If you wish to speak, please raise your hand or rise and please identify yourself as you begin, so that we can identify each speaker as we review the minutes. If you have written comments, I will see them after everyone has had a chance to speak. If you have written comments and do not wish to present them, come to the front when I call for additional input. State your name and at least identify the material that you choose to enter into the record. You may submit a written statement on one of the comment sheets available or on any other form that you wish. Are there any questions regarding this hearing procedure?

First, let me review the Flood Protection Corridor program as envisioned by the State. It began by a voter approval of Proposition 13 in March 2000. This portion of the proposition provided funding for innovative projects that developed nonstructural approaches to avoiding or reducing future flood damages. Nonstructural approaches to flood management include levee removals, levee setbacks, topographic recontouring to provide additional floodplain area and additional transitory storage. Widening of storm water conveyance channels at the lower part of the drainage system to remove rapidly draining water from the lower part of the system. Removing structures from a floodplain. Raising structures in the floodplain so that they are above the highest anticipated flood elevation and placing controls on land in floodplains to preclude development in areas that are difficult to protect against flooding. These flood management measures must be coupled with either agriculture land preservation or ecosystem restoration and preservation or both.

In response to the 2002-2003 grant proposal solicitation the State received and reviewed 45 applications requesting a total of \$143,000,000 in funds. Through an intensive review, evaluation and ranking process in which review was done by several panels of experts representing a variety of professions and State agencies, 14 projects were placed on a priority list. Participants on the project evaluation team represented DWR, the Governor's Office of Emergency Services, Department of Fish and Game, the Department of Conservation and the Department of Food and Agriculture. The projects have been recommended for total or partial funding, which at this juncture totals \$29.14 million dollars.

Daisy Lee, Napa County Flood Control and Water Conservation District will discuss the project specifics of the portion of the Napa River/Napa Creek Protection Project proposed for funding by the Flood Protection Corridor Program. Please hold your questions until the end of this presentation or ask questions for clarification.

#### **DAISY LEE, NCFCWCD**

Hi, my name is Daisy Lee; I am with the Flood Control District. As Michelle indicated, the District applied to the Flood Protection Corridor Program for grant funding last year and was awarded \$500,000. The District plans to use that money, the entire amount, to purchase the Napa Sanitation District property, located at 950 West Imola Avenue. NSD is part of Contract 2, the east portion of the project. Construction on the NSD property will encompass the creation of marshplain and floodplain. The schedule is planned to begin next year depending on federal funding. The District decided to apply the grant toward the purchase of the NSD property because the grant would cover a portion of the total purchase of the property. It would minimize the amount of paperwork for both DWR and the Flood District. It would also satisfy the nonstructural aspect of the flood protection program in that marshplain and floodplain will be created on the NSD property. The Corps is currently preparing the design and planting plans for this portion of the project. The terraces will look very similar to those that have been created on Oil Company Road. The planting will occur subsequent to the creation of the terraces. Monitoring of the created terraces will be conducted in compliance with the operation and maintenance plan that was approved by the Water Board.

**MICHELLE STEVENS – DWR**

We will now open the meeting to public comments. Who wants to be first?

**(Daisy Lee)** You may want to move to the microphone.

**(Michelle Stevens)** But mainly, please state your name. That would be helpful for the minutes.

**(Karen Rippey)** What water board approved the monitoring plans?

**(Daisy Lee)** The Regional Water Quality Control Board.

**(Karen Rippey)** Oh that was it, the regional.

**(Daisy Lee)** I think Fish and Game, US Fish and Wildlife and the Army Corps were several agencies that were involved with the development of that plan.

**(Karen Rippey)** On the purchase of the land, is it only a partial purchase? On the purchase price of the Sanitation District land, what is the full purchase price?

**(Daisy Lee)** The full purchase price? That is in negotiation.

**(Karen Rippey)** Oh, and so you are assuming you have a sort of figure of what proportion of the purchase price that this grant will cover for that negotiation?

**(Daisy Lee)** Right.

**(Karen Rippey)** How much, what percent?

**(Daisy Lee)** The grant is in the amount of \$500,000.

**(Karen Rippey)** Right.

**(Daisy Lee)** We do not know what the outcome of the negotiated price will be, so I can't tell you what percentage.

**(Karen Rippey)** When we were doing the flood project, there were some assumptions that Napa Sanitation District would turn over their land because of the potential problems with the waste and so forth in that property because of the cost of clean up. Are there any costs to clean up that property?

**(Daisy Lee)** There will be some remediation costs as part of the construction. There will be some volume of soil that will have to go to landfill because the water board will not allow us to place contaminated soils at certain sites.

**(Karen Rippey)** Is Napa Sanitation District reimbursing the Flood Control District for the cost of removing the soil that's contaminated, like the oil company?

**(Rob Martin)** Rob Martin, District Counsel, I could address that. That is part of the negotiations and that amount will be taken into consideration of what the ultimate settlement will be.

**(Karen Rippey)** I see.

**(Rob Martin)** That number has not been determined at this point.

**(Karen Rippey)** I see. During early negotiations the Napa Sanitation District was willing to transfer the land at no cost. What has occurred since then?

**(Rob Martin)** I don't know; I did hear that at one point. But I do not think I was with the District at that time; when those negotiations were going on, so I cannot tell you.

**(Karen Rippey)** I see.

**(Rob Martin)** And that is with the Flood District as opposed to NSD.

**(Karen Rippey)** Are you going to purchase the whole piece? I see that you have on the animal shelter on your map. Are you purchasing this part as well?

**(Daisy Lee)** Right. We will be purchasing the part within this purple boundary on the map.

**(Karen Rippey)** Oh, Ok.

**(Daisy Lee)** The area, which will be used to create the floodplain and the marshplain, will be this on the map.

**(Karen Rippey)** What's going to happen with the rest of the property?

**(Daisy Lee)** This area is the existing dredge disposal site; it will stay there. the District and the Corps relocated the Wine Train track.

**(Karen Rippey)** Right.

**(Daisy Lee)** his is the old railroad right of way train tracks. The new animal shelter is here.

**(Karen Rippey)** Oh, it is going to stay there?

**(Daisy Lee)** Well, we relocated the animal shelter.

**(Karen Rippey)** Oh, I see.

**(Daisy Lee)** These three parcels are part of NSD.

**(Karen Rippey)** Oh, so you are only purchasing the part between the green line and west?

**(Daisy Lee)** It is this area and this area.

**(Karen Rippey)** So you are not purchasing the area in between?

**(Daisy Lee)** Right, I should correct myself; we are not purchasing this area.

**(Karen Rippey)** I see. When we were doing the flood project in the original design, the community endorsed a design where the whole floodplain was going to be restored as habitat and the railroad track was not going to be relocated. But it seems that that move to that area was essential because of what was going on with the railroad tracks. But it should still be considered a resource. The flood control district should consider restoring the whole site for riparian habitat and trail and so forth. I don't see a trail there.

**(Daisy Lee)** A trail will run along the levee, right here.

**(Karen Rippey)** Is there a possibility that the floodplain along this area could be expanded?

**(Daisy Lee)** Expanded?

**(Karen Rippey)** Enlarged.

**(Daisy Lee)** I don't know what the Corps current design is but this is what is in the GDM.

**(Karen Rippey)** Well there you go, it's changed, (laugh) Are you are confused? (talking to audience??) This is the railroad track. This is what it is going to be the dredge disposal or dredge material. The trail is the green line, this is the floodplain, and this is the marshplain?

**(Daisy Lee)** No, this is the floodplain.

**(Karen Rippey)** And this is floodplain.

**(Daisy Lee)** Floodplain and marshplain.

**(Karen Rippey)** And this is 100 feet and this is about 300 feet.

**(Jim Hench)** Jim Hench, 1188 Walnut, I thought all of this area in the floodplain was going to be leveled back as a precipice.

**(Daisy Lee)** This whole area will look very similar to what you see. The marshplain will be subjected to tides twice a day. This won't be subjected to flood flow once or every couple of years, but, there will be trees and other plantings along the floodplain.

**(Karen Rippey)** I know things have changed a lot, but in the community based project all of this area was to be restored.

**(Daisy Lee)** This area?

**(Karen Rippey)** Yes, in the original project, this whole side was recommended for restoration. There was going to be flood flows under the bridge and it was all going to be restored. I understand the change that occurred with the railroad tracks, but I don't like it. The plan that had support of the community has changed so much, for use instead of flood control, which was the original as the purpose.

**(Daisy Lee)** I believe this is the same as what was in the approved GDM.

**(Karen Rippey)** That was not the community's plan, the GDM has changed a lot from the community plan. I do not know how difficult it would be, but if you look at the original plans and see what the community supported, it was not like this. One of the ideas was that this area be set aside as a park, where people could jog, have picnics and so forth. It was seen as a community center. Will the area just be maintained for utilitarian purposes? Is the Sanitation District planning to put offices there?

**(Karen Rippey)** Is it possible for the Flood Control District to purchase the property on the West side of the railroad tracks and restore the whole area for community use and environmental enhancement?

**(Daisy Lee)** I don't know how to go about answering that, it is just that this plan is consistent with the GDM that was approved by the voters themselves and it's based on the EIR that was also approved.

**(Karen Rippey)** Right.

**(Rob Martin)** And if I can just add, Rob Martin District Counsel. I understand the community had different views; various parts of the community had different plans. I was not here for the discussions, but the EIR and the GDM took everybody's thoughts into consideration. This is the plan that seemed to be the most workable for the Corps purposes and the coalition's plans. At this point, I believe it would be difficult to change it. But, that would be more of a question for the Corps of Engineers. Since they have come along so far with the project, it seems to me that it would be difficult to change anything that affected the water flow. I am not an engineer.

**(Karen Rippey)** I understand. I am not changing the water flow.

**(Michelle Stevens)** For the sake of the public record Rob, could you please state exactly what the GDM was and when it was passed?

**(Rob Martin)** The GDM is the General Design Memorandum and that was passed in 1999. The EIR also passed in 1999.

**(Karen Rippey)** Drafting a community plan, but the community plan and Measure A was supported by the vote of the people based on the community plan. The GDM was completed after the vote of Measure A. The community plan, which is what the community supported, was the community plan and afterwards the GDM was finalized. I understand the need to move forward, however, it would be nice if the Flood Control District.

**(Michelle Stevens)** Actually, the project we are talking about at this public hearing is simply acquisition funds for the property for the \$500,000 from the state. So, I want you to feel like you are being heard but I also want to be clear that this public hearing is only for the funds for the acquisition and not about the larger questions that you are raising.

**(Karen Rippey)** I guess where I am coming from is... it does not have to be separated.

**(Daisy Lee)** Michelle is right. The grant that the District will be receiving is for the purchase of the flood plain.

**(Daisy Lee)** As part of our application, the existing information presented here is all in the application.

**(Daisy Lee)** OK.

**(Michelle Stevens)** One aspect of the grant is that there has to be an analysis that there are no impacts to adjacent landowners, particularly from flooding. I don't think that is what you are getting at, at all. So I do not think it is necessarily relevant, just a point that is part of this grant.

**(Karen Rippey)** Right.

**(Michelle Stevens)** Are there any comments relative to this project? (Pause) If there are no other questions or comments, I will close this public hearing. If you would like to submit any other questions or comments please send them to me, Michelle Stevens, at 3310 El Camino Avenue, Sacramento California 95821 or by email to [mstevens@water.ca.gov](mailto:mstevens@water.ca.gov) within two weeks of today's date. Questions and responses will be posted within 30 days at our DWR website [www.dfm.water.ca.gov](http://www.dfm.water.ca.gov), Flood Protection Corridor Program, go to 2002-2003 Grant Solicitation. Thank you all for coming.